

REMARKS

Claim Changes

Claims 1, 10, 18, 20, 22, 23, 26, 38, 39, 40, and 41 have been amended to more clearly recite the claimed invention.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Acknowledgement of Allowable Subject Matter

Applicant thanks the Examiner for indicating the allowability of claims 4, 5, 7-9, 11-13, 15-17, 18-37, 40, and 41.

Claim objections

Applicant has amended claims 1, 10, 18, 38, 39, 40, and 41 in accordance with the Examiner's suggestions. Accordingly, Applicant respectfully requests the objection be withdrawn.

Rejection of claims 10-33, 39, and 40 under 35 U.S.C. § 112, second paragraph

Claims 10-33, 39, and 40 were amended to remedy the rejection under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant submits that claims 10-33, 39, and 40 as amended overcomes this rejection. Accordingly, Applicant respectfully requests the rejection be withdrawn.

Rejection of Claims 1-3, 6, 10, 14, 38, and 39 under 35 U.S.C. § 103 (a) as being unpatentable over US 2003/0053419 (Kanazawa) in view of “IPMP draft-mcgregor-ipmp-OO.txt” (McGregor)

Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1-3, 6, 10, 14, 38, and 39 under 35 U.S.C. § 103(a) as being unpatentable over Kanazawa in view of McGregor.

The office Action on page 6, item 24 states “[r]egarding claim 1 and 38, Kanazawa teaches a method for...receiving by the first remote network device said performance measurement test request packet (step 212 in Figure 5).” Applicant respectfully disagrees.

Applicant respectfully submits that the combination of Kanazawa and McGregor does not teach or suggest all the claim limitations as set forth in independent claims 1, 10, 38, and 39, as amended. For example, independent claim 1, as amended, recite “receiving by the first remote network device said IPMP measurement test request packet, wherein the IPMP measurement test request packet indicates a type of test that is requested by the measurement host” which is not taught or suggested by the combination of Kanazawa and McGregor. Independent claims 10, 38, and 39 recite similar subject matter.

Kanazawa in figure 5 and accompanying description in paragraphs 0017-0028 merely describes a method of managing quality between measurement devices 3A and 3B is described. Operationally, a quality measurement device 3A transmits a probe packet without adding any transmission delay time, and stores the transmission time in correspondence with identification information of the probe packet. If a quality measurement device 3B receives the probe packet from the quality measurement device 3A, the device 3B sends back another probe packet having the same identification information to the quality measurement device 3A. Subsequently, upon reception of the sent-back probe packet, the quality measurement device 3A notifies a management device 2 of, as a reception notification, the transmission time stored together with identification information of the probe packet, the reception time of the probe packet, and the identification information. Thus, Kanazawa merely describes a method of measuring the transmission times between the measurement devices 3A and 3B, and then reporting results to a management device 2. Kanazawa does not describe or suggest an “IPMP measurement test request packet, wherein the IPMP measurement test request packet indicates a type of test that is

requested by the measurement host,” as set forth in amended claim 1, for example. In contrast, Kanazawa’s quality measurement devices 3A and 3B merely measure transmissions times.

Since the combination of Kanazawa and McGregor fails to disclose Applicant’s claimed invention as claimed in independent claims 1, 10, 38, and 39, Applicant respectfully requests withdrawal of the rejection of claims 1, 10, 38, and 39 under 35 USC 103(a). Applicant requests that claims 1, 10, 38, and 39 now be passed to allowance.

Dependent claims 2-3, 6, and 14 depend from, and include all the limitations of independent claims 1 and 10. Therefore, Applicant respectfully requests the reconsideration of dependent claims 2-3, 6, and 14 and requests withdrawal of the rejection.

Conclusion

Applicant has reviewed the other references of record and believes that Applicant’s claimed invention is patentably distinct and nonobvious over each reference taken alone or in combination. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant’s attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

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